

AK

Notice of Allowability**Application No.**

10/036,966

Applicant(s)

ADAIR ET AL.

Examiner

Ronald D. Hartman Jr.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 6/7/2006.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given via email with Marc Brown on June 22, 2006.

The applicant has been amended as follows:

In the claims:

After the conclusion of claim 8, but before the beginning of claim 9, there appears a statement that should be deleted. This fragmented statement reads, "A method of transforming a set of vehicles ordered by a dealer conforming" and this entire statement should be deleted.

Claim 9, limitation (g), insert -- and producing -- between "generating" and "the".

Claim 14, delete "re-seller" and replace with -- dealer -- and delete "re-sellers" and replace with -- dealers --.

Claim 15, last line, change "manufacturing plant production." to -- manufacturing plant production, and outputting said assignments. --

Claim 20, last line, change "is generated." to -- is generated and produced. --.

Allowable Subject Matter

Claims 1-8 are allowed.

As per claims 1-8, it is first noted that although the claims do not explicitly recite the utilization of a computer, the specification clearly discloses such feature, and the examiner does not feel it is reasonable to interpret claim 1 to be steps that are merely performed by a person by hand. It is for this reason that the claimed method appears to satisfy the requirements under 35 U.S.C. 101 and since the claim clearly sets forth a practical application and a tangible result by sending the production orders to each

Art Unit: 2121

manufacturing plant. As far as the claim, with respect to the prior art of record, none of the references of record adequately disclose steps whereby vehicle option order data is received and then combined with vehicle production capabilities of more than one manufacturing plant, whereby a linear expression is utilized to determine a way of balancing the order data among the plurality of manufacturing plants, whereby each manufacturing plants receives a production order related to the determined balanced production order data, in combination with the other claimed features and or limitations as claimed.

The prior art does not seem to teach balancing work assignments among more than one production facility or manufacturing plant. It appears that the prior art or record typically takes production orders and sends them to a manufacturing plant, and does not prescreen the orders to determine which plant the order data will be sent to. In the prior art, when the order is sent to the plant, it is filtered at the plant in order to determine the optimal way of producing the desired vehicles, but in the case of the instant application, the data is first filtered to a plurality of plants, which is not adequately disclosed by the prior art of record, and this forms the basis for the indication of allowable subject matter with regards to at these claims.

As per claims 9-14, specifically independent claim 9, the same rational as already described with respect to pending claims 1-14, from above, is applied herein. To summarize, as interpreted, the claims appear to be statutory since clearly the aim was to utilize a computer for performing the steps disclosed, and since there is a practical application and tangible result claimed. Further, the features recited in at least step (d) form the basis for the indication of allowable subject matter, in combination with the other claimed features and or limitations as claimed.

As per claims 15-19, specifically independent claim 15, the prior art of record fails to teach a computer based system that, as already mentioned above, utilizes a linear expression to take vehicle order data and divide it up into balanced assignments which

Art Unit: 2121

are given to a plurality of manufacturing plants, in combination with the other claimed features and or limitations as claimed by the claimed invention.

As per claim 20, the same rational as already described with respect to pending claims 1-14, from above, is applied herein. To summarize, the claims appear to be statutory since a computer performs the steps disclosed, and since there is a practical application and tangible result claimed. Further it is noted that the computer readable medium has been described as a CD-ROM and has not been described as including a signal or carrier wave. Further, the features recited in at least step 8 forms the basis for the indication of allowable subject matter, in combination with the other claimed features and or limitations as claimed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.

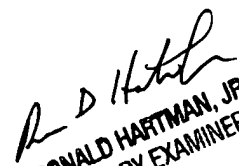
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 19, 2008

RDH

x RDH


RONALD HARTMAN, JR.
PRIMARY EXAMINER
1/19/2008